

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF RHODE ISLAND; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-128

DECLARATION OF ALEX DOE

Pursuant to 28 U.S.C. § 1746, I, Alex Doe, hereby declare as follows:

1. I am currently employed by the Minority Business Development Agency (MBDA).

I am over the age of 18 and have personal knowledge of all the facts stated herein, except those matters stated upon information and belief; as to those matters, I believe them to be true.

2. I am submitting this declaration pseudonymously because I fear retaliation. But if the Court would like to know my name or job position, I would be willing to provide it ex parte and under seal.

3. This declaration supplements the declaration I submitted on April 3, 2025, with information that I have learned since that date.

4. On April 9, 2025, I received a notice from the Office of the Deputy Secretary of Commerce informing me that I have been identified for termination as part of a Reduction in Force (RIF) that would become effective on May 9, 2025. *See* Exhibit A. That notice states that “[t]his RIF action is based on the Department’s plan to eliminate the non-statutory components and functions of MBDA.” It also states that “[t]he Department is abolishing all positions within

MBDA,” and that “[b]ecause all positions in MBDA are being eliminated, [I] do not have an assignment right to another position in another competitive area, in the local commuting area or in another office.”

5. I have also learned that all of the five MBDA employees who were not placed on administrative leave as of April 3, 2025, have been reassigned to positions outside of the MBDA. For instance, Chief Operating Officer Donald Smith has put in place an “Out of Office” message stating that “I am not longer with the Minority Business Development Agency.” And it is my understanding that the remaining four MBDA employees who were initially not placed on leave are also no longer performing work for the MBDA.

6. Based on the foregoing, it is my understanding that the MBDA has already ceased performing all of its statutory and non-statutory functions, and that all positions within the agency will be abolished as of May 9, 2025.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on April 11, 2025.

/s/ Alex Doe
Alex Doe

EXHIBIT A

**UNITED STATES DEPARTMENT OF COMMERCE
Office of the Deputy Secretary**

Washington, D.C. 20230

April 9, 2025

To:

From:

Jeremy Pelter

Performing the non-exclusive functions and duties of the Deputy Secretary

This is to inform you that you have been identified for release from your competitive level and your position with the Minority Business Development Agency (MBDA) through application of reduction-in-force (RIF) procedures. The effective date of the RIF and your release from the Federal service is May 9, 2025. Your separation through RIF procedures does not reflect on your service, performance, or conduct. This RIF action is based on the Department's plan to eliminate the non-statutory components and functions of MBDA. This constitutes your specific notice that your position of record as , will be eliminated and you will be separated from the federal service effective May 9, 2025.

The Department is taking this action pursuant the Office of Personnel Management's RIF regulations under Title 5, Code of Federal Regulations (CFR), Part 351. The competitive area that you are in consists of all employees of MBDA. The Department is abolishing all positions within MBDA. Because all positions in MBDA are being eliminated, you do not have an assignment right to another position in another competitive area, in the local commuting area or in another office. However, you will continue to remain in a paid, nonduty status during this specific 30-day notice period.

You will be separated May 9, 2025, and your final salary payment will be received on the scheduled pay date. You will receive a partial salary payment for pay period 9 based on your date of separation. This payment will be subject to the same deductions taken from your salary in previous pay periods; however, payment for a partial pay period will have reduced tax withholdings. If applicable, you can expect payment for any unused annual leave or compensatory time earned in lieu of overtime approximately six weeks after you separate.

We have included information about priority placement assistance programs such as the Career Transition Assistance Program (CTAP) designed to help employees find reemployment below. We will supplement this notice with additional information about rights, benefits (life, health, retirement, unemployment, etc.), leave, severance, outplacement/career transition resources, and other benefits available for employees separated by RIF. If you have any questions or need additional assistance, you may contact Tracie Pringle at TPringle@doc.gov

If you resign or retire on or before the RIF effective date of May 9, 2025, your separation will be considered voluntary. Please be advised that voluntary resignations or retirements may affect your eligibility for Federal employment/placement assistance programs, severance pay, and/or your appeal rights.

You have the right to examine the retention preference register relating to this action. If you wish to review the retention register or regulations, please contact Valerie Smith at VSmith@doc.gov or (202) 482-0272.

Notice of Rights

You have a right to appeal your separation (through RIF procedures) to the Merit Systems Protection Board (MSPB) pursuant to 5 CFR Part 351.901. If you elect to appeal to the MSPB, you may submit an appeal during the period beginning with the calendar day after the effective date of the RIF action and ending with the thirtieth (30th) calendar day after the effective date of the RIF action. You may not file an appeal with MSPB until your separation has been effected. If you do not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless you show a good reason for the delay. Your appeal must be in writing and give the reasons for contesting the action, with any offer of proof and pertinent documents that you are able to submit. You may access a copy of the MSPB appeal form and regulations at <https://e-appeal.mspb.gov/>. You may submit an appeal to the MSPB electronically, by hardcopy via facsimile or by mail at the following address:

**U.S. Merit Systems Protection Board
Washington DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, Virginia 22202
Facsimile No: (703) 756-7112
Telephone No: (703) 756-6250
washingtonregionaloffice@mspb.gov**

If you allege that your separation is based on discrimination because of race, color, religion, sex, national origin, age (at least 40 years of age), physical or mental disability, or retaliation, you have the right to raise this matter by either filing an Equal Employment Opportunity (EEO) complaint under the EEO complaint process as set forth in Title 29, Code of Federal Regulations (CFR), Part 1614, or by filing an appeal with the MSPB. If you elect to file an EEO complaint under 29 CFR Part 1614, you may not thereafter file an MSPB appeal on the same matter. Similarly, if you elect to proceed under the MSPB appeal process, you may not thereafter file an EEO complaint on the same matter under 29 CFR Part 1614. Selection of the MSPB appeal process in no manner prejudices the right of an aggrieved employee to appeal the final MSPB decision on the matter of discrimination to the Equal Employment Opportunity Commission (EEOC).

To initiate an EEO complaint, you must bring the matter to the attention of an EEO counselor within 45 calendar days of the date of the alleged discrimination. For more information on filing an EEO complaint, please contact the Department's Office of Civil Rights at (202) 482-4993.

If you allege that your separation is based upon your having made a disclosure of information that "evidences a violation of any law, rule, or regulation, or gross mismanagement, a gross

waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety” (a protected disclosure), you have the right to raise this matter by:

- (a) Appealing to the Merit Systems Protection Board under section 7701 in accordance with the procedures described above;
- (b) Contacting the Office of Special Counsel (OSC) to seek corrective action. A copy of OSC Form 11 is attached to this decision. More information on the procedures of the OSC can be found at www.osc.gov.

You may only proceed under one of these options. Once you elect to file in one forum, you may not subsequently file in another forum. This does not prejudice your right to file an appeal with the MSPB after seeking corrective action from the OSC. However, if you file an appeal with the MSPB after seeking corrective action from the OSC, your appeal will be limited to one issue – whether the agency took the personnel action(s) in retaliation for you making a protected whistleblowing disclosure.

If you file an appeal with the MSPB, the MSPB should send the Acknowledgement Order and copy of the appeal to the designated Agency Official as follows:

Christiann Burek
Acting Chief, Employment and Labor Division
Office of General Counsel
Department of Commerce
14th and Constitution Ave., NW
Room 5717
Washington, DC 20230
Email: cburek@doc.gov

This RIF action does not reflect on your service, performance, or conduct. Please be assured your contributions to MBDA and the Department are appreciated.

Career Transition Assistance Plan (CTAP)

The Career Transition Assistance Plan (CTAP) is an intra-agency program that helps surplus or displaced federal employees improve their chances of finding a new job *in their agency*, by giving them selection priority over other applicants, as long as they're qualified for the job.

You're eligible for CTAP if:

- You're a current federal employee who meets the definition of a surplus or displaced employee—you've received official notice that your job is no longer needed or that you will lose your job by Reduction in Force (RIF).
- You have a performance rating of at least fully successful or equivalent.
- DOC is accepting applications from within or outside of the permanent workforce.
- You meet the qualifications and other requirements of the job you're applying for.
- You occupy a position in the same local commuting area of job you're applying for.
- You are found “well qualified” for the position (a rating of 85 or better on the assessment).

This priority placement is available for any position within DOC that has been publicly announced. Employees should apply to the vacancy through the announcement (USAJOBS.gov).

Eligibility for CTAP begins on the date DOC issues either a Reduction in Force (RIF) separation notice, related notice of proposed removal, or other official certification indicating that the position is surplus.

Interagency Career Transition Assistance Plan (ICTAP)

The Interagency Career Transition Assistance Plan (ICTAP) is an interagency program that helps surplus or displaced federal employees improve their chances of finding a new job *at another agency (not their current or former agency)*, by giving them selection priority over other applicants from outside the agency.

You're eligible for ICTAP if:

- You're a current federal employee who meets the definition of a surplus or displaced employee—you've received official notice that your job is no longer needed or that you will lose your job by Reduction-in-Force (RIF).
- You have a performance rating of at least fully successful or equivalent.
- The agency you're applying to is accepting applications from outside of their workforce.
- The job you're applying to is in the local commuting area.
- You meet the qualifications and other requirements of the job you're applying for.
- You are found "well qualified" for the position based on the agency's criteria.

This priority placement is available for any position outside of DOC that has been publicly announced. Employees should apply to the vacancy through the announcement (USAJOBS.gov)

Reemployment Priority List

The Reemployment Priority List (RPL) is a list DOC uses to give reemployment priority to any *career and career-conditional competitive service* employees the agency separated by Reduction in Force (RIF). Employees will receive priority placement to positions at the same or lower grade/band with no greater promotion potential.

A separate RPL is created for each local commuting area in which employees have been separated based on the location of the employee's duty station; for example, all employees separated from positions with an official duty station in Washington, DC area will be on the same list and will receive priority placement over other candidates for any DOC position within Washington, DC; however, employees will not appear on the RPL for any other commuting area and will not have priority placement rights.

You're eligible for the RPL if:

- You're serving in an appointment in the competitive service in RIF Tenure Group I or II;
- You're a current federal employee who meets the definition of a surplus or displaced employee—you've received official notice that your job is no longer needed or that you will lose your job by Reduction-in-Force (RIF).
- You have a performance rating of at least fully successful or equivalent.
- You have not declined an offer of a position with the same type of work schedule and With a comparable grade/band level.

Proof of Eligibility and Documentation:

CTAP and ICTAP applicants must submit all of the required documents requested in the vacancy announcements such as:

- A copy of your RIF notice.

- Latest SF-50 noting current position, grade level, and duty location;
- Last performance appraisal; and
- Any documentation that shows your current promotion potential.
- Resume

To be placed on the RPL you must submit the above documentation as well as a completed RPL registration form to your SHRO on or before your RIF separation date.

Resources:

OPM's *The Employee's Guide to Career Transition (CTAP, ICTAP, RPL)*

DOC CTAP/ICTAP Policy

DOC RPL Policy